

REMARKS/ARGUMENTS

The Examiner is thanked for the performance of a thorough search.

By this amendment, no claims have been added or cancelled. Claims 1 and 13 have been amended herein. Hence, Claims 1-22 are pending in the application.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 1, 8-9, 12-13, and 20-22 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,496,801 by Veprek et al. ("*Veprek*") in view of U.S. Patent Application Number 2003/0028378 by August et al. ("*August*").

Claims 2-7 and 14-19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Veprek* in view of *August* in view of U.S. Patent No. 6,535,854 by Buchner et al. ("*Buchner*").

Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Veprek* in view of *August* in view of U.S. Patent Application No. 2002/0010584 by Schultz ("*Schultz*").

The rejections are respectfully traversed.

CLAIM 1 AND CLAIM 13 ARE PATENTABLE OVER THE CITED ART

Even if *Veprek* and *August* were properly combined, their combination would not teach, disclose, or suggest one or more elements featured in Claim 1 and Claim 13.

Amended Claims 1 and 13 feature the following elements:

“splitting a text into segments that include anticipated-content segments and unanticipated-content segments,
wherein each of the anticipated-content segments have previously satisfied criteria for being pre-recorded, and

wherein each of the unanticipated-content segments are not within the anticipated-content segments;
generating speech for said anticipated-content segments based on pre-recorded sound recordings that correspond to said anticipated-content segments;
and
generating speech for said unanticipated-content segments using speech synthesis”

One of more of the above elements are not disclosed, taught, or suggested by *Veprek* and *August*, either individually or in combination.

NEITHER VEPREK NOR AUGUST SHOW CRITERIA FOR BEING PRE-RECORDED

Independent Claims 1 and 13 each feature “wherein each of the anticipated-content segments have previously satisfied criteria for being pre-recorded.” In contrast, neither *Veprek* nor *August* discuss whether a content segment has satisfied any criteria to be pre-recorded. Thus, neither *Veprek* nor *August* discuss anticipated-content segments as claimed. As unanticipated-content segments, as claimed, are “not within the anticipated-content segments,” it follows that neither *Veprek* nor *August* discuss unanticipated-content segments as claimed.

For example, in the approach of *Veprek*, there is no discussion of any criteria for pre-recording content segments used or referenced by prosodic templates and/or acoustic templates. Thus, *Veprek* does not disclose, teach, or suggest anticipated-content segments as claimed. Pre-recorded content segments may be added to the approach of *August* to add a new lesson, but there is no discussion of whether a content-segment has satisfied criteria to be pre-recorded. Thus, *August* does not disclose, teach, or suggest anticipated-content segments as claimed.

Consequently, it is respectfully submitted that neither *Veprek* nor *August* disclose, teach, or suggest the element of “wherein each of the anticipated-content segments have previously

satisfied criteria for being pre-recorded.” As a result, Claims 1 and 13 are each patentable over the cited art and are each in condition for allowance.

NEITHER VEPREK NOR AUGUST SHOW SPLITTING A TEXT AS CLAIMED

Claims 1 and 13 each feature the element of “splitting a text into segments that include anticipated-content segments and unanticipated-content segments.” The Applicant’s specification teaches an approach wherein a text-to-speech host translates text to speech by splitting the text into segments that include anticipated-content segments and unanticipated-content segments.

It is unclear whether *Veprek* or *August* is relied on by the Office Action to show this element, as neither is asserted to show “splitting a text into segments that include anticipated-content segments and unanticipated-content segments.” However, as neither *Veprek* nor *August* disclose, teach, or suggest anticipated-content segments as claimed, it follows that either *Veprek* nor *August* disclose, teach, or suggest this element. *Veprek* may divide a message into a fixed portion and a variable portion, but dividing a message in this fashion is not done based on whether a portion is an anticipated-content segment, but upon the structure of the message.

For example, “Mason Street,” was determined to be in the variable portion in the example discussed in Col. 1 of *Veprek*. “Mason Street” may be an anticipated-content segment if the phrase “Mason Street” has previously satisfied criteria for being pre-recorded. However, if the same phrase, “Mason Street,” may not have previously satisfied the criteria for being pre-recorded thereby being an unanticipated-content segment. Thus, the determination of whether a content segment is in the fixed portion or variable portion does not determine or suggest whether the content segment is an anticipated-content segment or an unanticipated-content segment.

Consequently, it is respectfully submitted that this element is not shown, taught, or suggested by the cited art. Therefore, because at least one element of Claims 1 and 13 is not shown, taught, or suggested by the prior art, Claim 1 and 13 are patentable over the cited art and are in condition for allowance.

NEITHER VEPREK NOR AUGUST GENERATING SPEECH AS CLAIMED

Claims 1 and 13 each feature the element of “generating speech for said anticipated-content segments based on pre-recorded sound recordings that correspond to said anticipated-content segments.” It is unclear whether *Veprek* or *August* is relied on by the Office Action to show this element, as neither is asserted to show “generating speech for said anticipated-content segments based on pre-recorded sound recordings that correspond to said anticipated-content segments.” However, neither *Veprek* nor *August* disclose, teach, or suggest this element.

Since neither *Veprek* nor *August* discuss, teach, or suggest splitting text into segments that include anticipated-content segments, it logically follows that neither *Veprek* nor *August* show “generating speech for said anticipated-content segments based on pre-recorded sound recordings that correspond to said anticipated-content segments.” Further, the approach of *August* does not suggest the use of pre-recorded sound recordings to generate speech.

Consequently, it is respectfully submitted that this element is not shown, taught, or suggested by the cited art. Therefore, because at least one element of Claims 1 and 13 are not shown, taught, or suggested by the prior art, Claim 1 and 13 are patentable over the cited art and are in condition for allowance.

Claims 1 and 13 each feature the element of “generating speech for said unanticipated-content segments using speech synthesis.” It is unclear whether *Veprek* or *August* is relied on by the Office Action to show this element, as neither is asserted to show “generating speech for

said unanticipated-content segments using speech synthesis.” However, neither *Veprek* nor *August* disclose, teach, or suggest this element, as neither *Veprek* nor *August* disclose, teach, or suggest splitting text into segments that include unanticipated-content segments, as discussed above.

Consequently, it is respectfully submitted that this element is not shown, taught, or suggested by the cited art. Therefore, because at least one element of Claims 1 and 13 is not shown, taught, or suggested by the prior art, Claim 1 and 13 are patentable over the cited art and are in condition for allowance.

VEPREK AND AUGUST ARE NOT PROPERLY COMBINED

Moreover, a rejection of Claims 1 and 13 under 35 U.S.C. § 103(a) based upon a combination of *Veprek* and *August* is improper and may not be sustained. The Office Action, in citing a portion of the cited art that contains a teaching, suggestion, or motivation for combination, states “it would have been obvious to one of ordinary skill at the time of the invention to modify the system of *Veprek* to implement context and rules modules, as taught by *August*, for the purpose of providing more accurate pronunciation of the synthesized words, as suggested by *August* (paragraph 52).”

However, this does not provide a motivation to combine the teachings of the references because the cited portion of *August* merely states that (a) TTS module has a rules module for facilitating the conversion of text to speech, and (b) additional lessons may be obtained through input link 20. It is unclear how the TTS module of *August* is compatible with the prosodic and acoustic templates of *Veprek*. Further, it is unclear how adding lessons to a language learning system of *August* would motivate one to combine the language learning system with a speech synthesis system for phrases of multiple words of *Veprek*.

Nothing in the cited portion of *August* suggests that the approach of *August* could be augmented by a combination with *Veprek*. Absent a showing of a teaching or suggestion to combine the teachings, a rejection under 35 U.S.C. § 103(a) is inappropriate hindsight-based analysis. MPEP § 2143.01.

Accordingly, it is respectfully submitted that any rejection of Claims 1 and 13 under 35 U.S.C. § 103(a) based upon a combination of *Veprek* and *August* is inappropriate because there is no motivation to combine *Veprek* and *August*. Therefore, the rejection may not be sustained and Claims 1 and 13 are in condition for allowance.

CLAIMS 2-12 AND 14-22 ARE PATENTABLE OVER THE CITED ART

Claims 2-12 and 14-22 are dependent claims, each of which depends (directly or indirectly) on one of Claims 1 and 13. Each of Claims 2-12 and 14-22 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 2-12 and 14-22 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

NUMEROUS CLAIM REJECTIONS NOT EXPLAINED IN THE OFFICE ACTION

Moreover, is it respectfully submitted that the Office Action, while rejecting Claims 8-9, 12, 20-21, does not contain any arguments explaining why the claims are allegedly unpatentable under 35 U.S.C. § 103(a) over *Veprek* in view of *August*. If these rejections are to be

maintained, then the applicant respectfully requests an explanation as to why Claims 8-9, 12, 20-21 are allegedly unpatentable under 35 U.S.C. § 103(a) over *Veprek* in view of *August*.

Further, the Office Action has rejected Claims 2-7 and 14-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Veprek* in view of *August* in view of *Buchner*. Each of Claims 2-7 and 14-19 contain numerous elements and features not present in each other, but the Office Action has rejected Claims 2-7 and 14-19 by stating, *in toto*, “*Buchner* teaches providing text to speech messages in which most frequent messages are tracked (Col. 5, lines 38-42).”

It is unclear as to which claim, and which element of which claim, the *Buchner* reference is asserted to show. The Applicant respectfully requests that the Office Action provide an explanation as to which elements of which claims the *Buchner* reference is considered relevant.

For example, Claim 2 features “storing usage statistics that identify which segments are contained in texts that are translated using said text-to-speech services.” The Office Action has rejected claim 2, but there is no explanation as to why the above element of Claim 2 is shown by any of the cited references. Similarly, there is no explanation in the Office Action as to why the elements featured in Claims 3-9, 12, and 14-21 are suggested by the cited art, either individually or in combination.

CONCLUSION

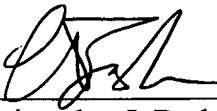
For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Christopher J. Brokaw
Reg. No. 45,620

1600 Willow Street
San Jose, CA 95125
(408) 414-1080
Date: August 25, 2004
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on 8/25/04 by Davei Fargamoles